

Restructure and Redundancy Policy

Contents

1.0 Introduction	3
2.0 Scope	3
3.0 Aims and Objectives	3
4.0 Management and Shropshire Council Responsibilities	3
5.0 Employee Responsibilities	3
6.0 Trade union Responsibilities	4
7.0 Restructures and TUPE.....	5
8.0 When Does a Redundancy situation occur?.....	5
9.0 Alternatives to Redundancy.....	5
10.0 Voluntary Redundancy	5
11.0 Bumped Redundancy	6
12.0 Consultation.....	6
13.0 Workforce Diversity Impact Assessment	8
14.0 Ring-fencing and slotting-in arrangements.....	8
15.0 Selection methods.....	9
16.0 Communicating the decision.....	10
17.0 Issuing notice.....	10
18.0 Appeals.....	10
18.0 Redundancy payments.....	11
19.0 Payment of pension.....	12
20.0 Redeployment.....	12

21.0	Help to seek new employment.....	13
22.0	Equality Statement.....	13
23.0	Data Protection.....	14
24.0	Related Policies and Procedures	14
25.0	Key Stakeholders.....	14
26.0	Key Legislation.....	14
27.0	Review.....	14

Appendices

Appendix A Redudancy Selection Criteria

Appendix B Statutory Redundancy Calculator

This policy has been agreed by:	Approval Date:
Policy Forum	03/10/2024
EJCC	09/10/2024
Date for Review:	October 2026

1.0 Introduction

- 1.1 Shropshire Council (the Council) is committed to being a fair and equitable employer and aims to maintain the highest possible level of job security for its employees. However, it is recognised that organisational change can be essential to maintaining high quality services and addressing budgetary constraints and may result in staffing restructures and reductions .
- 1.2 The Restructure and Redundancy Policy sets out how potential restructures (including transferring services to or from another employer), and, if necessary, how compulsory redundancies will be managed within the Council.

2.0 Scope

- 2.1 The policy applies equally to all directly employed staff including centrally employed teachers. The policy excludes those employed directly by schools who have a specific policy available on the Schools Learning Gateway.
- 2.2 This policy covers internal restructures and those that result from a TUPE transfer of staff in or out of the Council from another organisation.
- 2.3 The Restructure and Redundancy Policy will not apply in the following circumstances:
- termination during, or at the end of a probationary period of service in accordance with the [Managing Employee Performance Policy](#) , whether or not the probationary period was extended beyond its originally specified duration
 - resignation by an employee, or other termination, by mutual consent
 - termination of a secondment when an employee returns to their substantive post
 - termination of with agency staff, contractors or external consultants' assignments
 - termination of apprentices who do not secure permanent employment after their training
 - termination of fixed-term contracts under two years' service.
- 2.4 This policy does not form part of employee's contract of employment.

3.0 Aims and Objectives

- 3.1 The aims and objectives of this Restructure and Redundancy Policy are to:
- ensure that organisational change is conducted through fair and consistent procedures that support clear communication and meaningful consultation processes
 - ensure compliance with contractual and legislative requirements in relation to redundancy situations
 - provide clear advice when handling potential redundancy situations

- outline measures that may be available to seek to minimise or avoid compulsory redundancies
- set out a clear framework for the management of compulsory redundancy situations
- ensure that where compulsory redundancies are necessary, employees leave the Council feeling that they have been treated in a fair and equitable manner.

4.0 Management and Shropshire Council Responsibilities

4.1 Managers and Line managers have the responsibility to:

- seek approval of any restructure proposal via a completed business case
- work with trade unions at all stages of consultation
- ensure that this policy is applied fairly to all staff
- refer to the [Manager Resizing Toolkit](#) and related templates for support with managing processes in line with this policy
- seek advice and work with their HR Business Partner/Advisor at all stages to ensure that the timescales and tasks are adhered to.

4.2 Human Resources have the responsibility to:

- ensure that the content of this policy reflects employee terms and conditions, local agreements, and statutory requirements.
- review and update related [Managers Resizing Toolkit](#) / [Employees Resizing Toolkit](#) and [Employee Resizing FAQs](#) to support managers and employees with processes associated with the policy.
- provide professional HR advice and support to managers on restructuring and redundancy processes to include scoping their new structure, identifying how employees will be affected, attending consultation meetings, drafting letters, obtaining redundancy calculations, supporting selection, dismissal, and redeployment processes.

5.0 Employee Responsibilities

5.1 All staff have the responsibility to:

- attend meetings and engage as requested at each stage of the process to include making alternative suggestions to proposals that affect them
- refer to the [Employee Resizing Toolkit](#) and [Employee Resizing FAQs](#) available to support their understanding with processes associated with this policy.

6.0 Trade union responsibilities

6.1 Trade unions have the responsibility to:

- work closely with the Council during proposals for organisational change
- ensure they are available for scheduled meetings group and individual consultations to support their members.

7.0 Restructures and TUPE

- 7.1 This policy applies to all restructuring proposals, regardless of whether staffing reductions are proposed. Sections 12 (Consultation), 13 (Workforce Equality, Diversity and inclusion Impact Assessment), 14 (Ring-fencing and Slotting-in), 15 (Selection Criteria) and 16 (Communicating the Decision) will be key to ensure a fair consultation with clear communication at all stages.
- 7.2 Restructuring proposals following a TUPE transfer into the Council will only be made where economic, technical, or organisational reasons are identified which will normally be identified as part of the measures prior to a TUPE transfer.

8.0 When does a Redundancy situation occur?

- 8.1 A potential redundancy situation arises when:
- an employer has ceased, or intends to cease, to carry on the business in the place where an employee was so employed; or
 - where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
 - where the requirements of the business for employees to carry out work of a particular kind, in the place where they are so employed, have ceased or diminished or are expected to cease or diminish.

9.0 Alternatives to Redundancy

- 9.1 The Council will consider taking action to avoid redundancies, and wherever possible will minimise the number of redundancies we have to make. The following list gives examples of some alternative approaches we may look at (taking account of service delivery needs):
- natural wastage through normal staff turnover
 - suspending relevant external recruitment
 - reducing overtime
 - reducing the number of hours worked
 - voluntary redundancy
 - reviewing how we use consultants, self-employed contractors and agency staff
 - redeployment within the Council

10.0 Voluntary Redundancy

- 10.1 Applications for voluntary redundancy are invited during all stages of consultation to mitigate the risk of any compulsory redundancies. The Council reserve the right not to accept a volunteer for business-critical reasons.
- 10.2 Where the number of the applications exceed the number of posts proposed for redundancy, not all will be selected for redundancy. The Council will make a decision based on the need to retain a balanced workforce that has the necessary skills, experience, and job knowledge for both current and future

business needs and the overall affordability of releasing staff and cost above and their business needs and priorities.

11. Bumped Redundancy

- 11.1 A bumped or transferred redundancy occurs when an employee whose job is not at risk of redundancy is dismissed as redundant, and the resulting vacancy is filled by a suitable employee whose job is redundant.
- 11.2 Bumping may be considered when restructuring teams to ensure skills and experience can be retained within the team. Employees will be paid the grade for the job that they accept, which must be at the same grade as their current post or lower. Pay protection would apply as set out in paragraph 14.5.
- 11.3 Where bumped redundancies are agreed, employees must be treated in line with this policy and be offered an individual consultation meeting and reasonable time off to look for new employment.
- 11.4 Written records of agreed bumped redundancies should be retained to demonstrate the fairness of the decision in the event of a challenge.

12. Consultation

- 12.1 Informal proposals will be shared with trade unions ahead of the first formal consultation meeting.
- 12.2 Formal restructuring proposals not involving staff reductions will be set out in writing and will involve a reasonable timescale appropriate to the nature of the proposal and the number of employees affected. This would normally not be less than 10 working days.
- 12.3 Formal proposals involving staff reductions will be confirmed in a Section 188 (S188) notice letter and issued to full-time unions in line with statutory provisions ahead of a first formal consultation meeting. (The S188 letter will also be made available to affected employees). A HR1 form will also be issued to the Secretary of State where there are 20 or more redundancies proposed.
- 12.4 Statutory consultation periods for proposed redundancies are between 30 and 45 days depending on the number of employees affected as shown below. The Council will usually adopt 45 calendar days, except in cases of individual consultation for a proposed redundancy.

Proposed redundancies	Minimum period
20 to 99	30 days
100 or more	45 days

- 12.5 Affected employees and unions will be invited to attend the first formal meeting which marks the start of the formal consultation period.
- 12.6 Attendance will be recorded at this meeting. It is important to also record that consultation has included those who are on sick leave, taking family leave, on

secondment or other unpaid leave. Failure to consult an employee on maternity leave may lead to a successful sex discrimination claim at tribunal, with unlimited compensation.

- 12.7 Except in exceptional circumstances, the following core consultation documents will be available for affected employees to access following the first consultation meeting. It is recognised that some final details in job descriptions may still be worked on during consultation and that indicative grading/ bandings of posts will need to be confirmed via the job evaluation procedure after the consultation period ends:
- rationale for change (including mitigation against compulsory redundancies)
 - current and proposed staffing structure
 - skills required for the new structure and any training opportunities.
 - job descriptions and indicative grading/ bandings of posts
 - selection methods and criteria by which employees will be selected for posts within the new staffing structure (as discussed with recognised Trade Unions)
 - a completed Workforce diversity impact assessment
 - a timeframe for consultation
 - feedback methods through the consultation process
 - any templates for employees to complete as part of the process;
- 12.8 Following the first consultation meeting, affected employees will be notified in writing of their indicative position which may include:
- slot-in to new or similar role
 - At risk-ring-fence to roles in new structure
 - At risk-no ring-fence
- 12.9 Employees whose indicative position is 'at risk' or 'ring-fence' will have 20 working days to challenge this decision.
- 12.10 Employees engaged on fixed-term contracts who have been continuously employed for two years or more and have reached their termination date or will terminate during the consultation time, are excluded from the requirement to consult collectively unless the fixed term contract is ending as a result of the proposals. Employees engaged on casual assignments should also be assessed as to whether they are included or excluded from the requirement to consult collectively.
- 12.11 Affected employees will be offered an individual consultation meeting (1:2:1 meeting) with an appropriate manager during the consultation period. The line manager will speak to employees identified as being 'at risk' separately to actively encourage a 1:2:1 meeting. The employee can bring a professional Association/Trade Union representative or colleague to the meeting. A HR representative may also be present if required by the manager.
- 12.12 Affected employees are actively encouraged to engage in consultation and make suggestions for avoiding redundancy, including:

- any feedback on selection methods/criteria
 - if they believe they have been wrongly or unfairly selected and why
 - to suggest how they could be redeployed
 - to put forward any other ideas they have.
- 12.13 Interim staff consultation meetings will be held as necessary to provide an update of the position. An end of consultation meeting will be held with affected employees following the close of the consultation period to summarise the position and any changes to original proposals.
- 13. Workforce Diversity Impact Assessment**
- 13.1 A [Workforce diversity impact assessment template](#) must be completed when restructuring teams. The form has been created to support managers in the consideration and recording of likely impacts upon the workforce of overall transformation programmes such as 'Resizing' to streamline the organisation and achieve savings. This local approach endeavours to complement the equality impact assessments that we are legislatively required to do to demonstrate that we have had 'due regard' in our decision-making processes upon the nine Protected Characteristic groupings in the community defined in the Equality Act 2010.
- 14. Ring-fencing and slotting-in arrangements**
- 14.1 Where possible, new posts will be filled utilising slotting-in and ring-fencing during a first round of recruitment: Managers can refer to the [Managers Resizing Toolkit](#) for support with this process and consult their Strategic HR Business Partner.
- 14.2 Slotting-in without the need to go through a recruitment process will apply where the majority of current duties and responsibilities of a post remain following restructuring and where the number of posts available is equal to, or more than the number of existing post holders in the workplace unit. To qualify for this treatment, a post must not be less than 15% of the same grade before and after restructuring, while no other member of staff should have a comparable claim on the post.
- 14.3 Ring-fencing of applications for posts in the new workplace unit will apply where the former unit contained posts that carried substantially the same duties and responsibilities, but the number of staff exceeds the number of posts available in the new unit, or where there are similarities between old and new posts but there are also significant differences that do not make them suitable for slotting in.
- 14.4 For any remaining posts, priority will be given to applications from employees classified as "at risk." without a ring-fence. If the position remains vacant, it will be advertised internally. If the post still remains vacant, it is possible at this stage to go to an external advertisement.
- 14.5 If the slotting-in or ring-fencing represents a reduction in salary of less than 15%, the employee is entitled to 12 months' salary protection of their current

grade. Following this period, the employee would be placed at the top of the new lower grade. If the slotting-in represents a reduction in salary of more than 15%, the employee's post could be considered redundant. However, if they wish to be considered for the post regardless and were successful in securing the post, pay protection will only be applied if this presents a clear saving to the Council compared with making the employee redundant.

15. Selection methods:

- 15.1 Where it is necessary to select for redundancy from a pool of employees, reasonable and objective selection criteria will be applied that can be explained and justified. The aim will be to ensure that the types of skills necessary to meet current and future business objectives are retained. Selection for ring-fence can be achieved by using pre-agreed selection criterion or holding a competitive interview/assessment process. Managers can refer to the [Managers Resizing Toolkit](#) for support and consult with their Strategic HR Business Partner to decide the best option and ensure the agreed method is applied consistently.
- 15.2 Pre-agreed selection criteria may be applied where the positions in the new structure are the same as existing positions or 70% like the existing positions of the ring-fenced employees. They must be free from bias and discrimination and should include some or all the following. See Appendix A for examples
- experience and skills - these should be measurable and to a maximum of 2 year unless objectively justified
 - levels of performance - these can be used if there are possible quantifiable factors, such as recent appraisals/performance reviews that can be used for base scores can be measured objectively
 - attendance record – criterion that includes attendance records should be used cautiously and discount absences relating to disability or maternity to avoid potential discrimination
 - live disciplinary warnings - these might be selected to support the above.

The collection of data for experience and skills criteria will normally be collected via an audit skills form issued to affected employees to complete with consultation documents. Additional data for levels of performance, attendance records and disciplinary records is collected from management records and reports.

Criteria will be applied against the post holders within the selection pool which may include:

- a filtering system by order of priority *or*
- a scoring system *or*
- a weighted scoring system (with the weighted scores to be used against each of the criteria indicated).

- 15.3 Competitive selection interviews may be applied where there is 'clear blue water' between new positions and existing positions in the new structure or more than 70% of the role are new tasks.

Affected employees will be asked to complete an expression of interest application for positions that they are invited to apply for.

- 15.4 Whichever selection method is applied, a Recruitment Panel consisting of at least two managers will carry out the process and they will keep records such as score sheets, matrixes and candidate interview assessment forms to evidence reasoning or outcomes. HR will normally support the selection process.

16. Communicating the decision

- 16.1 By the end of the consultation period and potential selection process, the outcome should be communicated personally to the employee as soon as possible.
- 16.2 Where the employee is successfully slotted into or recruited to a position in a new structure, they will receive written confirmation of the job title, grade, hours and location and any trial period. (See paragraph 20.4 and 20.5).
- 16.3 Where the employee is unsuccessful after a selection process, they will be offered feedback with a member(s) of the relevant Recruitment Panel about the selection decision.
- 16.4 Dismissal Meeting: Where the employee remains displaced after consultation and potential selection, they will be invited to attend a meeting with a member of staff with delegated authority to dismiss. The employee may be accompanied by a Professional Association/Trade Union representative or colleague. HR will also attend. Reasons for the dismissal will be confirmed together with rights of appeal.
- 16.5 Where an employee is offered and accepts voluntary redundancy, the employee should be invited to a dismissal meeting in line with paragraph 16.4.

17.0 Issuing Notice

- 17.1 Written notice must be provided to employees who are made either voluntary or compulsory redundant following the above consultation and potential selection process. The notice letter must set out that employment is being ended for reasons of redundancy and include details of redundancy pay (if entitled) and other payments due together with rights of appeal. The notice period will be whichever is greater; statutory or contractual. Notice afforded to centrally employed teachers must be in line with dates set out in the School Teachers' Pay and Conditions Document (STPCD). For more information on notice periods, please refer to the [Notice Periods Policy](#)

18.0 Appeals

- 18.1 Appeals against redundancy should be made in writing by the individual within 10 working days of the receipt of the letter informing them their employment is being ended in line with their contract of employment. The letter (or email) must be addressed to the Assistant Director of Workforce and Improvement (sam.williams@shropshire.gov.uk) and explain exactly why they are appealing.
- 18.2 While an appeal is in progress, the contractual period of notice will continue to run from the original date of notification of redundancy.
- 18.3 The appeal hearing will be led by a Redundancy Appeals Panel whose members will not have been involved in any redundancy decisions and take place before any proposed employment end date. The final decision will be outlined in a letter normally sent within 10 days of the appeal hearing. There is no further right of appeal following this stage.

19.0 Redundancy Payments

- 19.1 Eligible employees who are voluntary or compulsory redundant and have a minimum of two years' continuous local government service (in accordance with the Redundancy Payments (Continuity of Employment in Local Government, (etc.) (Modification) Order 1999) are entitled to a redundancy payment.
- 19.2 Redundancy pay will be calculated using the same method of calculation as for statutory redundancy payments, except for weekly pay, which will be an actual weeks' pay without applying the statutory cap. This entitlement is based on age, length of continuous service (up to a maximum of 20 years) and weekly pay. The statutory redundancy table (shown in Appendix B) will be used to determine the number of weeks' redundancy pay an employee is entitled to which is summarised in the table below:

Service	Entitlement
For each complete year of employment between the ages of 16 – 21	Half a weeks' pay for each completed year of service
For each complete year of employment between the ages of 22 – 40	one weeks' pay for each completed year of service
For each complete year of employment for aged 41 and above.	One and a half weeks' pay for each completed year of service

- 19.3 In addition to statutory redundancy pay, an added compensatory ('enhanced') payment will be made based on a 1.5 statutory entitlement multiplier. In most cases the relevant date for calculation will be continuous service up to the

date on which notice expires (i.e., the termination date). However, subject to paragraph 19.1, this can include separate periods of previous LG service or service covered by the Redundancy Payments Modification Order in the (20 years) maximum total. The employee will be required to identify where this applies and may need to provide proof of this service as only continuous service will be calculated by Employment Services

- 19.4 A weeks' pay is the amount to which an employee is entitled under their contract of employment when they work a normal week. This is usually calculated by dividing the annual salary by the contracted weeks per year. Where working hours vary, or where additional payments are made, employees pay is averaged over the previous 12 weeks from the date of their termination letter. If the employee receives no pay for any of these 12 weeks, the 12-week period is extended to include previous weeks where pay was received.
- 19.5 Employees who hold more than one post will only be made redundant from the affected post and will remain in any other posts. Redundancy pay will be calculated on the continuous start date of the post from which they are being made redundant and all other continuous start dates will remain for other posts.
- 19.6 Redundancy payments are exempt from income tax if the total compensation paid to an employee does not exceed the £30,000 tax-free limit. Payment is made once the employee has completed their notice period and all final salary payments have been made. The redundancy payment will then be calculated and paid on the next available pay run.
- 19.7 Redundancy is not payable where the employee seeks and is offered employment by any local authority (or specified body covered by the Modification Order) accepted by the employee who is under notice of redundancy and commences within four weeks of the date of redundancy.
- 19.8 There is no continuity of service for purposes of any future redundancy pay rights for employees who are re-employed to another local authority post (or with a related employer) after their termination date (and receipt of redundancy payment) with the Council and service starts afresh.
- 19.9 Employees are responsible for checking their redundancy calculations to ensure any errors are highlighted as soon as possible.

20.0 Payment of Pension

- 20.1 Employees 55 and over at the date of (redundancy) termination who are members of the Local Government Pension Scheme (LGPS), will be eligible to receive immediate payment of their pension they have built up to the day of they leave. No reduction is applied to the pension and lump sum (if applicable) for being paid earlier. In these cases, the employing service will meet any additional strain on pension fund. For further information on pensions and redundancy, refer to the [Pensions Lifecycle Policy and Discretions](#) or contact

the Shropshire LG Pensions Team pensions@shropshire.gov.uk telephone: 01743 252130.

- 20.2 This provision does not apply to centrally employed teachers who are members of the Teachers' Pension Scheme.

21.0 Redeployment

- 21.1 The Council will work with affected employees and explore whether we have any suitable alternative before making a redundancy. Affected employees must inform the Council if there are any specific roles they want to be considered for as we may not be aware that they are interested in them.
- 21.2 Any offers of alternative work will always be driven by the Council's service delivery needs. Whether or not employees at risk can apply for an internal vacancy will depend on all the circumstances. Employees at risk will be informed of the procedure to follow if it is deemed that they are eligible to apply.
- 21.3 Employees who are on maternity, adoption, surrogacy take priority for offers of redeployment in a redundancy situation from the point at which they inform their employer of their pregnancy. For notifications of pregnancy received on or after 6 April 2024 and for maternity leave ending on or after this date, this is extended until 18 months after the birth of a child or EWC. In the instance of miscarriage, the individual is prioritised for redeployment offers from the point of notification of the pregnancy until two weeks after the loss of the child. Failure to do so will result in the dismissal being automatically unfair.
- 21.4 Employees who are offered suitable alternative employment, are entitled to a four-week trial period. During that trial period they can decline the alternative role if either the employee or the Council deem the role to be unsuitable and, subject to paragraph 20.5, the employee will not lose their redundancy payment.
- 21.5 Employees may lose their entitlement to a redundancy payment if they unreasonably refuse to accept suitable alternative work offered to them. For further information refer to the Redeployment Policy.

22.0 Help to Seek New Employment

- 22.1 In line with our [Special Leave Policy](#), employees with at least one years' continuous service can take reasonable time off with pay for any interviews within local government service or in the public sector areas.
- 22.2 Employees with two years' continuous service at the dismissal date have a statutory right during their notice period to time off to look for any new employment or to make arrangements to undertake training for future employment. Employees are entitled to take up to two days absence for this purpose.

- 2.3 Employees are required to provide reasonable notice of their interview and request time off for this purpose with their Line Manager through ERP Absence attaching proof of the interview date, time, and location.

23.0 Equality Statement

- 23.1 This policy ensures that restructure and redundancy selection procedures and processes are implemented in a fair and consistent manner and in line with the Council's values and priorities. Furthermore, it does not discriminate against any member of staff on the grounds of one or more protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and care experience).

24.0 Data Protection

- 24.0 Any personal data collected will be processed in accordance with our Data Handling Policy.

25.0 Related Policies and Procedures

- 25.1 Related policies and procedures which staff may wish to refer to include:

- [Health & Wellbeing Support](#)
- [Management Essentials Handbook](#)
- [Employees Resizing Toolkit](#)
- [Managers Resizing Toolkit](#)
- [Voluntary Redundancy](#) Programme
- [Family Leave Policy](#)
- [Notice Periods Policy](#)
- [Pensions Lifecycle Policy and Discretions](#)
- [Managing Poor Performance Policy](#)
- Redeployment Policy
- [Special Leave Policy](#)
- Workforce Equality, Diversity and Inclusion Policy

26.0 Key Stakeholders

- 26.1 Key stakeholders for this policy are all staff in scope, Line Managers, Employment Services, Human Resources, Pensions and recognised Trade Unions.

27.0 Key Legislation

- 27.1 Key legislation that applies to this policy include:
- Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Trade Union Reform and Employment Rights Act 1993
 - Collective Redundancy and Transfer of Undertaking (Protection of Employment) (Amendment) Regulations, 1995 and 1999.
 - Employment Rights Act 1996 and 2002
 - Equality Act 2010

- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023

28.0 Review

28.1 The policy will be reviewed at regular intervals and no later than 2 years after its implementation by the Assistant Director - Workforce and Improvement in consultation with recognised Trade Unions.

Document version control

Version	Date	Comments
4.0	11/10/2024	applied to restructures that commence on or after this date

Redundancy Selection Criteria

1. Introduction

As part of this policy, it is agreed that selection criteria provide a clear, structured and consistent system for managing selection where compulsory redundancies are necessary. The criteria should be relevant and appropriate to the job and be objective and measurable rather than subjective and based solely on personal opinion. Whether or not certain criteria are reasonable ones to adopt will depend on the circumstances of each case with the principal aim of maintaining a balanced workforce after the redundancies are carried out, measured against the anticipated needs of the Council.

Agreed selection criteria may applied to more than one volunteer who has met management considerations and would otherwise be approved to leave via voluntary redundancy.

2. Example evidence and scoring criteria and points

Objective criteria, which are potentially fair, usually includes factors such as performance, skills and qualifications. Disciplinary records and level of absence can also be used with careful consideration of individual circumstances and only with agreement with HR.

Different levels of points may be applied according to the importance of each criterion ('weighting') depending on service needs. For example, if it is agreed that a particular skill is more important than a qualification more points can be allowed for this. So, someone could score a qualification out of 10 points and a particular skill out of 15.

2.1 Work performance, skills, experience, and qualification :

Work performance, ability and experience are potentially fair criteria capable of objective assessment, although this is more straightforward for some jobs than others. For certain posts where a particular skill or competence can be measured, it would be easier to measure the skill or competence over a defined period. The time frame selected should be a reasonable one, and allowances may have to be made for anyone who has been absent during part of that period, or who may be new to the job, to ensure that the scoring is fair.

For some roles, it will be reasonable to assess performance with reference to recent appraisals or performance reviews. An assessment of performance has the potential to involve an element of subjectivity but, provided that the manager undertaking the exercise can show logical reasoning behind the scores and is consistent and fair in their approach, this can be an appropriate method.

Other methods of recording skills, experience, and qualification is to ask all employees to periodically complete a skills audit form prior to, and during a restructuring process that may lead to compulsory redundancies.

Work performance scoring might be:

- outstanding – consistently exceeds service standard 15

- exceeds objectives of the role 12
- meets all objectives of the role 9
- meets some objectives of the role 6
- fails to meet objectives of the role 3

Skills, experience and competence scoring might be:

- fully competent, multi-skilled, supports others on regular basis 15
- fully competent in current role 12
- competent in most aspects of current role, requires some supervision 9
- some competence in role, requires regular supervision and guidance 6
- cannot function without close support or supervision 3

Qualification scoring might be:

- holds all qualifications 10
- is working towards qualification 6
- does not have relevant qualifications 1

2.2 Disciplinary warnings:

Disciplinary warnings can be an acceptable criterion provided that the scoring is consistent and applied in a reasonable way. Only live warnings can be used and not any expired warnings. Use of this criterion must be agreed with HR.

Disciplinary scoring might be:

- no record of disciplinary warning 5
- record of informal disciplinary warning 3
- first written warning current 2
- final written warning current 1

2.3 Attendance

Attendance can also be a potentially fair criterion provided that the absence records are accurate, and the reasons for the periods of absence are considered. Absences due to pregnancy-related illness, maternity or other family leave reasons should be discounted, as a failure to do so could be discriminatory. Use of this criterion must be agreed with HR.

Attendance scoring might be:

- no recorded absence 5.
- some absence but below average for selection pool (or workplace) 4
- attendance in line with workplace (or selection pool) average 3
- absence level above average for selection pool (or workplace) 2
- high and unacceptable level of absence 1

2.4 Last in First out

The application of "last in, first out" (LIFO) has traditionally been regarded as a straightforward and uncontroversial method of selecting for redundancy that has the advantage of being objective and easily measurable. However, this method has the disadvantage of being a rather blunt potentially indirectly discriminatory on the grounds of age to those who will have had less opportunity to build up length of

service than older workers. The Council will only apply LIFO if the set of agreed selection criteria fails to separate employees in the selection pool.

3.Weighting

To achieve the total score for an employee, each criterion can be weighted by a factor of 1-3 to reflect its relative importance. The weightings consider service requirements to meet its future service needs and targets as well as the need to maintain a balanced workforce. The weighting can be applied as follows:

- Work Performance (x3)
- Skills, experience & competence (x3)
- Qualification (x3)
- Disciplinary (x1)
- Attendance (x1)
- Continuous Service (x1)

Having weighted the scores, a total is calculated for each employee. For example, where necessary to reduce the headcount in a service area from 20 to 15 a selection matrix is completed for all 20 employees. The 5 with the lowest scores will be provisionally selected for redundancy.

4. Recording the selection

Wherever possible two senior managers and a Strategic HR Business Partner together, with responsibility and/or knowledge of staff in the unit of selection will apply selection criteria. A redundancy matrix template will be used to set out the criteria against which individual employees are scored. The appropriate criteria to include in the matrix will depend on the nature of the job in question (see sections 1,2 and 3 above).

Written evidence will be recorded against each of the criteria. The completed matrix in respect of each employee will provide good evidence of how the selection process was conducted.

Employees identified as being at risk of redundancy will be provided with the decision and a copy of their own score as soon as possible and in a sensitive manner which fully recognises the difficulties faced by the employee. Those not selected should also be told of the decision as soon as possible.

Where someone has been selected for compulsory redundancy, they must be given the reasons for their selection in writing and notifying them of their right to appeal (refer to section 11 of the policy)

5. Summary of expectations

5.1 In choosing and applying redundancy selection criteria we will:

- ensure this is drafted at the outset of formal redundancy consultation process so it can be agreed by employees and recognised Trade Unions
- be objective, measurable and fair as possible

- ensure it is based on facts that can be measured and will be unaffected by personal opinions
- consider what skills and experience are most relevant for the job and ensure that the criteria reflect the requirements of the job
- assess performance, on quantifiable factors such as recent appraisals and performance reviews.
- apply the same criteria and scoring method to everyone in the same group, although we may need to use different scoring for different groups of employees
- use absence levels as a criterion with caution to ensure that we discount sickness absences related to, for example, disability or maternity
- only use "last in, first out" if our criterion fails to score employees differently
- ensure that scores are moderated by more than one person to remove any risk of bias
- ensure that employees identified as being at risk of redundancy are provided with their own score (as a minimum) and fully consulted on it prior to the final decision being made.

5.2 We will not discriminate employees based on:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- pregnancy or maternity
- the basis of maternity leave, paternity leave, adoption leave, ordinary parental leave, shared parental leave, parental bereavement leave, time off for dependants and carer's leave
- their role as an employee representative or trade union representative
- membership of a trade union
- working part time or on a fixed-term contract
- working time regulations – for example if they've raised concerns about holiday entitlement or rest breaks
- concerns they've raised about whistleblowing
- attendance records relating to disability

Statutory Redundancy Pay Table

Appendix B

Service (years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
18*	1	1 1/2																	
19	1	1 1/2	2																
20	1	1 1/2	2	2 1/2															
21	1	1 1/2	2	2 1/2	3														
22	1	1 1/2	2	2 1/2	3	3 1/2													
23	1	2	2 1/2	3	3 1/2	4	4 1/2												
24	2	2 1/2	3	3 1/2	4	4 1/2	5	5 1/2											
25	2	3	3 1/2	4	4 1/2	5	5 1/2	6	6 1/2										
26	2	3	4	4 1/2	5	5 1/2	6	6 1/2	7	7 1/2									
27	2	3	4	5	5 1/2	6	6 1/2	7	7 1/2	8	8 1/2								
28	2	3	4	5	6	6 1/2	7	7 1/2	8	8 1/2	9	9 1/2							
29	2	3	4	5	6	7	7 1/2	8	8 1/2	9	9 1/2	10	10 1/2						
30	2	3	4	5	6	7	8	8 1/2	9	9 1/2	10	10 1/2	11	11 1/2					
31	2	3	4	5	6	7	8	9	9 1/2	10	10 1/2	11	11 1/2	12	12 1/2				
32	2	3	4	5	6	7	8	9	10	10 1/2	11	11 1/2	12	12 1/2	13	13 1/2			
33	2	3	4	5	6	7	8	9	10	11	11 1/2	12	12 1/2	13	13 1/2	14	14 1/2		
34	2	3	4	5	6	7	8	9	10	11	12	12 1/2	13	13 1/2	14	14 1/2	15	15 1/2	
35	2	3	4	5	6	7	8	9	10	11	12	13	13 1/2	14	14 1/2	15	15 1/2	16	16 1/2
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14 1/2	15	15 1/2	16	16 1/2	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15 1/2	16	16 1/2	17	17 1/2
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16 1/2	17	17 1/2	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17 1/2	18	18 1/2
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18 1/2	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19 1/2
42	2 1/2	3 1/2	4 1/2	5 1/2	6 1/2	7 1/2	8 1/2	9 1/2	10 1/2	11 1/2	12 1/2	13 1/2	14 1/2	15 1/2	16 1/2	17 1/2	18 1/2	19 1/2	20 1/2
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4 1/2	5 1/2	6 1/2	7 1/2	8 1/2	9 1/2	10 1/2	11 1/2	12 1/2	13 1/2	14 1/2	15 1/2	16 1/2	17 1/2	18 1/2	19 1/2	20 1/2	21 1/2
45	3	4 1/2	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4 1/2	6	7 1/2	8 1/2	9 1/2	10 1/2	11 1/2	12 1/2	13 1/2	14 1/2	15 1/2	16 1/2	17 1/2	18 1/2	19 1/2	20 1/2	21 1/2	22 1/2
47	3	4 1/2	6	7 1/2	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4 1/2	6	7 1/2	9	10 1/2	11 1/2	12 1/2	13 1/2	14 1/2	15 1/2	16 1/2	17 1/2	18 1/2	19 1/2	20 1/2	21 1/2	22 1/2	23 1/2
49	3	4 1/2	6	7 1/2	9	10 1/2	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	14 1/2	15 1/2	16 1/2	17 1/2	18 1/2	19 1/2	20 1/2	21 1/2	22 1/2	23 1/2	24 1/2
51	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16	17	18	19	20	21	22	23	24	25
52	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	17 1/2	18 1/2	19 1/2	20 1/2	21 1/2	22 1/2	23 1/2	24 1/2	25 1/2
53	3	1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19	20	21	22	23	24	25	26
54	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	20 1/2	21 1/2	22 1/2	23 1/2	24 1/2	25 1/2	26 1/2
55	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	21	22	23	24	25	26	27
56	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	21	22 1/2	23 1/2	24 1/2	25 1/2	26 1/2	27 1/2
57	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	21	22 1/2	24	25	26	27	28
58	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	21	22 1/2	24	25 1/2	26 1/2	27 1/2	28 1/2
59	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	21	22 1/2	24	25 1/2	27	28	29
60	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/5	18	19 1/2	21	22 1/2	24	25 1/2	27	28 1/2	29 1/2
61**	3	4 1/2	6	7 1/2	9	10 1/2	12	13 1/2	15	16 1/2	18	19 1/2	21	22 1/2	24	25 1/2	27 1/2	28 1/2	30

18* - it is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started from age 18.

61** - The same figures should be used when calculating the redundancy payment for a person aged 61 and above